

guidance. As such, there are no economic effects on commodity prices, competition, or jobs until approval and implementation of specific CCAAs, and then the impact would be due to the individual CCAA. Similarly, no effect on public health and safety is expected from this draft handbook.

The burden of time spent on filling out the application for a CCAA depends on the complexity of the Agreement. The Service does not have an estimate of time spent on an average CCAA. However, it is reasonable to expect that the time cost of filling out as many as 30 applications per year (assuming the current number of CCAAs under review is indicative of an annual number of applications) is relatively small and certainly below the \$100 million threshold for a major rule. In accordance with the criteria in Executive Order 12866, this draft handbook is not significant and, therefore, not subject to Office of Management and Budget review.

b. This draft handbook will not create inconsistencies with other agencies' actions. This handbook is expected to increase consistency within the Fish and Wildlife Service. Additionally, the CCAA permit process under section 10 of the ESA does not apply to Federal agency actions.

c. This draft handbook will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients, not does it apply to them.

d. This draft handbook will not raise novel legal or policy issues. This handbook provides internal guidance for and clarifies the CCAA process.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Department does not expect any significant effects on non-Federal cooperators exercising their option to enter into the CCAA program because the CCAA process will not require additional information.

The current holders of the 5 enhancement of survival permits, as well as the 30 applications pending, are made up of State and county governments, companies, and private individuals. We assume that many would qualify as small entities under the Regulatory Flexibility Act. The economic impact of the draft CCAA handbook would be a benefit to these entities. The guidance provided is expected to reduce the time spent developing the CCAA and therefore

reduce the time before implementation of the CCAA. Therefore, this draft handbook would have a positive effect on entities. If all of the 5 current permits were held by small entities and the additional 30 under current review were also from small entities, the combined total would not comprise a significant proportion of the number of State/county governments, small businesses, and private landowners in the United States who would all be potential applicants for CCAAs. Therefore, this draft handbook would not have a significant economic effect on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

This draft handbook is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. As noted above under the Regulatory Flexibility Act, the issuance of this draft handbook is not expected to have economic effects of \$100 million annually or to affect a significant number of small entities.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

a. We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this draft handbook will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. No additional information will be required from a non-Federal entity solely as a result of this handbook. Since the draft handbook is to be implemented with existing data, no incremental costs are being imposed on non-Federal landowners.

b. This draft handbook will not produce a Federal mandate of \$100 million or greater in any year, *i.e.*, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

In accordance with Executive Order 12630, the draft handbook does not have significant takings implications.

Federalism

In accordance with Executive Order 13132, the draft handbook does not have significant Federalism effects. The draft handbook will not have a substantial direct effect on the States, in the relationship between the Federal Government and the States, or on the distribution of power or responsibilities among the various levels of government. Since States have been and will be

potential CCAA permit applicants, the guidance will improve the CCAA process for States.

Civil Justice Reform

In accordance with Executive Order 12988, the draft handbook does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. With the guidance provided in the draft handbook, requirements under section 10(a)(1)(A) of the ESA will be clarified to enhancement of survival permit applicants.

Paperwork Reduction Act

This handbook does not require an information collection under the Paperwork Reduction Act. The Service has examined this handbook under the Paperwork Reduction Act of 1995 and found it to contain no requests for additional information or increase in the collection requirements associated with enhancement of survival permits other than those already approved for enhancement of survival permits. Currently we have approval from OMB to collect information under OMB control number 1018-0094. This approval expires July 31, 2004. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless we display a currently valid OMB number.

National Environmental Policy Act

We have analyzed this draft handbook in accordance with the criteria of the National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). This draft handbook does not constitute a major Federal action significantly affecting the quality of the human environment. The Service has determined that the issuance of the handbook is categorically excluded under the Department of the Interior's NEPA procedures in 516 DM 2, Appendix 1.10 and 516 DM 6.6, Appendix 1.4 A (1).

Section 7 Consultation

The Service does not need to complete a section 7 consultation on this draft handbook as it is a guidance document and not an action. Individual enhancement of survival (CCAA) permits under section 10(a)(1)(A) of the ESA are actions that may affect a listed species. Therefore, an intra-Service consultation is completed prior to issuing incidental take permits.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations